

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

WILLIAM R. MILLER, *et al.*,

Plaintiffs,

Case No. 3:17-cv-55

vs.

U.S. BANK, N.A., *et al.*,

Defendants

District Judge Walter H. Rice  
Magistrate Judge Michael J. Newman

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**ORDER AND ENTRY ADOPTING THE REPORT AND RECOMMENDATION OF  
THE MAGISTRATE JUDGE (DOC. 26)**

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The Court has reviewed the Report and Recommendation of Magistrate Judge Michael J. Newman (Doc. #26), to whom this case was referred pursuant to 28 U.S.C. § 636(b). The parties have not filed objections to the Report and Recommendation and the time for filing such objections under Fed. R. Civ. P. 72(b) has expired.

Accordingly, it is hereby **ORDERED** that:

- (1) The Report and Recommendation (Doc. #26) is **ADOPTED** in full;
- (2) Defendants' partial motion to dismiss (doc. #5) is **GRANTED IN PART** and **DENIED IN PART**;
- (3) Counts Three, Nine, and Ten of Plaintiffs' complaint are hereby **DISMISSED**; and
- (4) Count One of Plaintiffs' complaint is **DISMISSED** to the limited extent Plaintiffs contend that Defendants' creation of an escrow account violated the Real Estate Settlement Procedures Act ("RESPA"), 12 U.S.C. § 2605.

**IT IS SO ORDERED.**

Date: 2-2-17

  
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Walter H. Rice  
United States District Judge